

Message Text

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TO AMEMBASSY LONDON

INFO AMEMBASSY PARIS

AMEMBASSY MOSCOW

AMEMBASSY TOKYO

AMEMBASSY JAKARTA

AMEMBASSY NASSAU

AMEMBASSY MANILA

C O N F I D E N T I A L STATE 033460

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: GROUP OF FIVE MEETING, LONDON, JAN 31, 1975

1. MEETING WAS ATTENDED BY THE FOLLOWING DELEGATES AND WAS
CHAired BY UK LOS REP SIR ROGER JACKLING WITH PARTICIPANTS
FROM OTHER MINISTRIES. OTHER COUNTRIES WERE REPRESENTED BY:
MINISTER DE LACHARRIERE AND R. JEANNEL (FRANCE), DR. ROMANOV
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(USSR), AMB. OGISO (JAPAN). ALSO REPRESENTED M. ROUX
(FRANCE), CAPTAIN NAZARENKO (USSR) AND DAVID ANDERSON,
MARTIN WILLIAMS, JOHN STEELE, ALISTER HAFFREY, PETER BEASLEY
(ALL UK). U.S. WAS REPRESENTED BY JOHN NORTON MOORE

(D/LOS), STUART FRENCH (DOD/ISA), RADM. MAX MORRIS (DOD/JCS)
AND HARRY C. BLANEY (STATE).

2. JOHN NORTON MOORE OPENED DISCUSSION WITH A BRIEFING ON THE ARCHIPELAGO TALKS WITH INDONESIA AND THE BAHAMAS. MOORE OUTLINED FIRST THE FACT THAT APPROACH WAS A MULTI-LATERAL ARRANGEMENT AS PART OF A COMPREHENSIVE LOS TREATY WHICH WOULD BE ACCEPTABLE TO BOTH THE ARCHIPELAGIC STATES AND THE MARITIME NATIONS. IN DISCUSSION, MOORE INDICATED THAT THE MAIN GUIDELINES FOR THE DEFINITION OF AN ARCHIPELAGO WOULD INCLUDE: A RATIO OF LAND TO WATER BETWEEN 1 TO 1 AND 9 TO 1 WITH MAXIMUM LENGTH OF BASE LINE OF 80 MILES AND WITH ONE PERCENT THAT COULD EXCEED 80 MILES TO 125 MILES MAXIMUM. OTHER ELEMENTS WOULD BE INCLUDED WHICH WOULD PROVIDE AN OBJECTIVE DEFINITION OF AN

ARCHIPELAGO AND WOULD INCLUDE BAHAMAS AND INDONESIAN BUT NOT, FOR EXAMPLE, GREEK ISLANDS, AND ESSENTIALLY CONFINED TO MID-OCEAN ISLAND STATES. THIS CONCEPT, WOULD LIMIT THE NUMBER TO 8 OR 9 STATES AND WOULD PROVIDE A BALANCE BETWEEN OBTAINING SUPPORT FROM THESE STATES AND THOSE WHO OPPOSE EXPANSION OF THIS CONCEPT.

3. SIR ROGER JACKLING AND PETER BEASLEY QUESTIONED THE DEFINITION OF ATOLLS AND THE INCLUSION OF SOME OF THE BAHAMAS BANKS UNDER THIS DEFINITION. PERHAPS IT'S BEST, HE THOUGHT, TO USE A MORE GENERAL TERM SUCH AS "FEATURE", RATHER THAN ATOLL. UK WANTED TO KNOW ABOUT THE INCLUSION OF THE SEYCHELLES UNDER THIS DEFINITION. BEASLEY WAS CONCERNED ABOUT THE EXTENSION OF THE DEFINITION OF WATER AS IF IT WERE LAND, WHICH MIGHT MEAN THE EXTENSION OF ARCHIPELAGOES BEYOND THE LIMITS ALREADY FORESEEN. AMB. OGISO WAS CONCERNED ABOUT EFFECT OF EXTENSIONS ON CONTINENTAL SHELF DISPUTE BETWEEN INDONESIA AND SOUTH VIETNAM AND ASKED IF THERE WAS ANY IMPACT IN THIS AREA. MOORE SAID THAT SOUTH VIETNAM HAS RECOGNIZED THE INDONESIAN ARCHIPELAGO CONCEPT BUT THE BOUNDARY ISSUE
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WOULD REQUIRE A BILATERAL UNDERSTANDING BETWEEN THE TWO STATES THEMSELVES. INDONESIA CLEARLY FALLS WITHIN THE LAND/WATER RATIO DEFINITION WITHOUT THE INCLUSION OF THE ATOLL DEFINITION.

4. JEANNEL OF FRANCE SAID HE WAS AGAINST A DEFINITION WHICH WOULD INCLUDE A POLITICAL ELEMENT THAT REQUIRED AN ENTITY TO BE AN INDEPENDENT ISLAND STATE AND FAVORED ONLY A GEOGRAPHIC DEFINITION WITH POLITICAL STATUS LEFT OUT. HE COULD INCLUDE "MID-OCEAN" BUT NOT MID-OCEAN STATES AS A DEFINITION OF AN ARCHIPELAGO.

5. AMB. OGISO THOUGHT THE 1 TO 1 DEFINITION WAS

A KIND OF DISCRIMINATION. THE JAPANESE PARLIAMENT MIGHT BE CRITICAL IF THE CONCEPT WAS LIMITED THIS WAY.

6. DR. ROMANOV NOTED THE DIFFERENCE BETWEEN THE CUBAN DRAFT ON ARCHIPELAGOS AND THAT WHICH WOULD INCLUDE BAHAMAS. CUBA WOULD BE RESTRICTED BY THE PRESENT DEFINITION WHILE THE BAHAMAS WOULD HAVE THEIR TERRITORY EXTENDED GREATLY AT THE EXPENSE OF CUBA. ROMANOV WANTED REVIEW OF GRANTING TO THE BAHAMAS THE ARCHIPELAGO STATUS UNDER AN LOS TREATY. HE SAID HE THOUGHT THAT 50-60 MILES SHOULD BE A LIMIT TO CLOSING ARCHIPELAGO LINES WITH VERY FEW EXCEPTIONS. 125 MILES LINES WOULD RESULT IN EXCESSIVE EXTENSIONS; BUT CUBA WOULD OBTAIN LITTLE UNDER THE CONVENTION AND WOULD HAVE TO REDUCE AREAS THAT MIGHT BE UNDER THEIR JURISDICTION. USSR WANTED TO HAVE A NEW STUDY OF APPLYING ARCHIPELAGIC STATUS

TO THE BAHAMAS AND DISCUSS THIS AGAIN BEFORE THE GENEVA SESSION. IT WOULD BE A GREAT POLITICAL PROBLEM FOR THE USSR SAID ROMANOV.

7. UK WAS VERY STMPATHETIC WITH BAHAMAS' CLAIM TO ARCHIPELAGIC STATUS BUT WAS WORRIED THAT ANY DEFINITION THAT WOULD INCLUDE BAHAMAS MIGHT INCLUDE OTHER STATES LESS JUSTIFIED. THERE WERE DANGERS, UK FELT TO GETTING AWAY FROM LAND/WATER RATIOS AND INCLUDING WATER AREAS AS LAND UNDER THIS DEFINITION. UK THOUGHT THE US DEFINITION WAS TOO COMPLEX AND THIS WOULD HURT ITS ACCEPTANCE IN THE CONFERENCE. UK ASKED HOW DEEPLY WAS THE POLITICAL NEED CONFIDENTIAL

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IN THE BAHAMAS FOR ARCHIPELAGIC STATUS. ALISTAIR JAFFREY (MOD) FAVORED BAHAMAS DESIRE TO BE AN ARCHIPELAGO BUT BY A MEANS THAT WOULD NOT EXTEND THIS DEFINITION AND HURT NAVIGATION. HE WAS ALSO WORRIED ABOUT THE BANGLADESH PROPOSAL WHICH MIGHT BE AGREED TO IF THE BAHAMAS DEFINITION WERE ALSO INCLUDED. THUS THE UK HAS A QUOTE SLIGHT RESERVATION UNQUOTE. BEASLEY THOUGHT A DEFINITION MIGHT BE FOUND OUTSIDE OF THE ATOLL CONCEPT BUT IT WOULD BE A VERY COMPLEX ONE.

8. IN RESPONSE MOORE STATED: (1) ON MID-OCEAN STATE QUESTION, WITH INCLUSION OF 200 MILE ECONOMIC ZONE FOR ISLANDS THERE WOULD BE IMPORTANT GAINS TO COUNTER-BALANCE THE GAINS OF ARCHIPELAGO STATES; (2) ON CUBA, NOTED THAT WE UNDERSTAND THAT BAHAMAS WERE SEEKING AN ACCOMMODATION WITH CUBA AND IT WAS A BILATERAL MATTER AND NO MATTER WHAT THE APPROACH THE PROBLEM WAS TO INSURE NAVIGATIONAL FREEDOM THOUGH ARCHIPELAGIC WATERS; (3) IF MARITIME POWERS AND ARCHIPELAGO STATES COULD AGREE ON A DEFINITION THERE PROBABLY WOULD NOT BE A MOVE TO UPSET THAT AGREEMENT BY OTHER STATES; AND (4) THERE APPEARED TO BE A STRONG POLITICAL NEED IN THE BAHAMAS FOR ARCHIPELAGO STATUS.

9. MOORE THEN BRIEFED GROUP ON TRANSIT OF ARCHIPELAGIC WATERS: ESSENTIALLY SUCH WATERS WOULD BE OPEN TO ARCHIPELAGIC PASSAGE REGIME UNLESS SPECIFIC SEA LANES WERE ESTABLISHED. IF SO THE WATERS OUTSIDE LANES WOULD BE OPEN ON TONS OF INNOCENT PASSAGE. MOORE WENT ON TO OUTLINE OTHER ELEMENTS ON TRANSIT IN NEGOTIATION WITH INDONESIA. HE NOTED 80 MILE LIMIT TO SEALANES AS NEW ELEMENT IN BILATERAL DISCUSSION. ALSO OVERFLIGHT RIGHTS WERE OUTLINED BY MOORE. MOORE NOTED STILL UNRESOLVED ELEMENTS IN OVERFLIGHT OF ARCHIPELAGIC WATERS. ALSO US STATED IMPORTANCE OF ARCHIPELAGO STATE SUPPORT FOR UNIMPEDED PASSAGE RIGHTS IN STRAITS AS REQUIREMENT FOR OUR SUPPORT OF ARCHIPELAGO CONCEPT.

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10. ROMANOV EXPRESSED DOUBTS ABOUT THE PROSPECT OF SUPPORT FOR STRAITS PASSAGE BY THE ARCHIPELAGO STATES. HE THOUGHT THEY MIGHT ONLY SUPPORT INNOCENT PASSAGE RATHER CONFIDENTIAL

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THAN FREEDOM OF NAVIGATION OF INTERNATIONAL STRAITS. WHILE THE SOVIETS SUPPORT ARCHIPELAGIC PRINCIPLE THEY NEED TO SEE REAL MOVEMENT TOWARDS ARCHIPELAGOS STATE SUPPORT FOR MARITIME STATES' NEEDS ON FREEDOM OF PASSAGE.

11. AMB. OGISO SAID JAPAN IN TALKS WITH INDONESIA LAST WEEK HAD IMPRESSION THAT THEY WOULD ONLY ACCEPT INNOCENT PASSAGE FOR MERCHANT SHIPS IN WATERS WHICH INDONESIA CONSIDERED ARE UNDER SOVEREIGNTY OF THAT COUNTRY. MOORE ANSWERED THAT POSSIBLY THE INDONESIANS WERE TAKING A HARD LINE AT THIS POINT IN THE NEGOTIATIONS BECAUSE AGREEMENT HAD NOT YET BEEN FINALIZED. MOORE ADDED THERE HAS IN FACT BEEN A SHIFT IN POSITION BY INDONESIA OVER TIME. UK ALSO THOUGHT THERE WAS NOT YET A CLEAR-CUT UNDERSTANDING ON UNIMPEDED TRANSIT BY THE INDONESIANS. MOORE POINTED OUT THAT MARITIME STATE NEED FOR UNIMPEDED PASSAGE HAS BEEN MADE CLEAR TO THE INDONESIANS. THE UK NOTED THAT IT APPEARED WE WERE GETTING DIFFERENT SIGNALS FROM THE INDONESIANS. JACKLING NOTED THAT THE PHILIPPINES WOULD HAVE A VERY HARD TIME ACCEPTING UNIMPEDED PASSAGE. ROMANOV EMPHASIZED THE ABSOLUTE NEED THAT ARCHIPELAGIC STATES MUST NOT ONLY ACCEPT UNIMPEDED PASSAGE THROUGH ARCHIPELAGO WATERS BUT ALSO THROUGH ALL STRAITS.

12. MOORE SAID THAT HE BELIEVED IT WAS NECESSARY FOR THE GROUP OF FIVE TO STAND FIRM AS BEING AGAINST THE ARCHIPELAGO CONCEPT UNTIL A PACKAGE DEAL WAS OBTAINED AND NOT GIVE THIS POSITION AWAY UNTIL WE HAD OBTAINED THEIR AGREEMENT TO PACKAGE INCLUDING SUPPORT FOR STRAITS PASSAGE.

13. MOORE ASKED GROUP FOR APPROVAL OF APPROACH TO

ARCHIPELAGIC STATES ON PART OF GROUP OF FIVE WHICH WOULD INDICATE SUPPORT FOR ARCHIPELAGIC STATUS BY THE FIVE UNDER THE ABOVE CONDITIONS BUT IF THESE WERE NOT ACCEPTED WE WOULD STATE JOINT OPPOSITION TO THE ARCHIPELAGIC CONCEPT. THE UK, WHILE NOT HAVING ANY PROBLEMS WITH THIS NEGOTIATING POSITION WITH THE INDONESIANS, WANTED ADDITIONAL STUDY OF THE BAHAMAS ISSUE. ALSO THE UK NOTED IT SHARED SOME OF JAPAN'S CONCERN OVER THE LAND/WATER RATIO ISSUE. THE FRENCH NOTED AGAIN THEIR RESERVATION OF QUOTE INDEPENDENT UNQUOTE IN DEFINITION OF ARCHIPELAGIC STATES AND REQUESTED CONFIDENTIAL

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THE WITHDRAWAL OF ANY QUOTE POLITICAL UNQUOTE DISCRIMINATION. THE SOVIETS, HOWEVER, STATED THAT THEY ONLY SUPPORTED ARCHIPELAGIC STATUS FOR INDEPENDENT STATES. THE FRENCH STATED THEY WOULD PROVIDE US WITH A LIST OF ISLANDS OVER WHICH THEY HAD A PROBLEM. WE AGREED TO TALK FURTHER

WITH THEM ON THIS MATTER. (FRENCH LIST GIVEN TO MOORE IN NEW YORK ON FEB 7).

14. TURNING TO THE GENEVA SESSION, ROMANOV REPORTED ON DISCUSSIONS IN MOSCOW WITH CONFERENCE PRESIDENT AMERASINGHE (SRI LANKA) AND NOTED THAT HE SAID IT WAS HIS INTENTION TO HAVE ABOUT A THREE WEEK EFFORT TO REACH AGREEMENT BY CONSENSUS, THEN AS PRESIDENT WOULD TAKE OVER AND ASK THE CONFERENCE TO PROCEED TO A VOTE IN COMMITTEE ON THE KEY ISSUES. AMERASINGHE, ACCORDING TO ROMANOV, WISHED TO SEE SOME IMPORTANT DECISIONS TAKEN AT GENEVA - AT LEAST IN THE COMMITTEE IF NOT IN PLENARY. THE SOVIETS OPPOSED THIS IDEA. IT WAS AGREED TO LOOK AT THIS QUESTION AT THE NEXT MEETING OF THE GROUP. THE UK SAID THERE WAS NEED FOR PRIVATE NEGOTIATIONS AT GENEVA IF PROGRESS WAS TO BE MADE RATHER THAN THE USUAL WORK IN COMMITTEE AS IN CARACAS. MOORE EMPHASIZED IMPORTANCE OF NEGOTIATIONS EARLY DURING THE GENEVA SESSION.

15. THE FRENCH ALSO ASKED THE GROUP TO LOOK AT THE RATIFICATION PROCEDURE - NUMBERS REQUIRED AND CATEGORIES OF COUNTRIES NEEDED TO ENFORCE A CONVENTION AND THE APPLICATION OF A PROVISIONAL REGIME AND THE POSITION OF COUNTRIES OUTSIDE THE CONVENTION.

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